

ence over the past 40 years confirms that the Nation is much the better for the robust attention of the Court to the health of our democracy.

I would suggest to this Committee and to the Senate that before confirming any nominee to the Supreme Court, the Senate of the United States should be able to conclude with confidence that regardless how a nominee may vote on any given case, he or she will assume the full responsibility of protecting the integrity of our democratic processes.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Issacharoff appears as a submission for the record.]

Chairman SPECTER. Thank you, Professor.

Our next witness is Mr. Carter Phillips, one of the premier appellate lawyers in the country. He has handled some 47 cases before the Supreme Court of the United States, some of those as Assistant to Former Solicitor General Rex Lee. He is a graduate of Northwestern School of Law, a clerk for Chief Justice Warren Burger, and rated as one of the 100 best lawyers in America by the National Law Journal.

At your hourly, Mr. Phillips, thank you for joining us, and how much does 5 minutes cost?

Mr. PHILLIPS. Well, I will not answer that question, but I will tell you that the law firm has taken a hit today.

[Laughter.]

**STATEMENT OF CARTER G. PHILLIPS, MANAGING PARTNER,  
SIDLEY AUSTIN, LLP, WASHINGTON, D.C.**

Mr. PHILLIPS. Thank you, Mr. Chairman and members of the Committee.

Oftentimes it strikes me that baseball metaphors tend to be used at these hearings, and it at least impresses me that perhaps a tennis metaphor is more appropriate at this point based on the testimony of Judge Alito in the last two and a half days and the extraordinary eloquent testimony of the Third Circuit judges in the last hour or so, it would strike me that we ought to be at the point of game, set and match, because it seems to me that there can be no serious question about either the qualifications on ability or ethics or any other standard that this Committee would want to use in reviewing the qualifications of Judge Alito to become a Supreme Court Justice.

You have my written testimony. I am not inclined to repeat it at this point. One thing I have learned as an appellate advocate is if you think you are ahead on points, you would do well to sit down and shut up. So all I am going to do is simply recount for you my own experiences with Judge Alito when we were in the Solicitor General's Office, not because I think they add all of that much, but I do think they debunk the notion that somehow Judge Alito has long been an ideologue of any sort.

The judge and I met when we both interviewed with Judge McCree, who was Jimmy Carter's, President Carter's Solicitor General. We were interviewing for a job as Assistants of the Solicitor General. We had applied for that position prior to the election. Neither of us knew which direction that election was going to come

out. We were seeking that position not because we had any kind of an agenda to fill, but solely because each of us hoped to get a very prestigious position.

Now, as it happened in that first meeting, Judge Alito and I ended up being seated together by ourselves when all the other members of the Solicitor General's Office went off to another table and we had what I think is fairly described as at least a little bit of an uncomfortable conversation because we had assumed that we were competing for exactly the same job and had a very interesting exchange of views about our backgrounds and our experiences, he being an existing Assistant U.S. Attorney with an extraordinary amount of experience as an appellate lawyer, I being a former law clerk and, at that time, an assistant professor of law. But we built a great friendship based on that conversation and the fact that we both ended up in the Solicitor General's Office. Well, what struck me is that whether or not the Solicitor General had been Wade McCree or whether, as it turned out, the Solicitor General was Rex Lee, our service to the United States would have been precisely the same.

And the only thing I would say in that regard is that during the three-plus years that I have served with Judge Alito in that office, I had an opportunity to talk with him almost every day, and in that capacity, I learned an enormous amount from him about both his compassion and his intellect and his open-mindedness and his enthusiasm to assist all of the lawyers in that office. He was a great lawyer. He was a tremendous oral advocate. He went on, obviously, to a very distinguished career. While I have my own opinions on what he has accomplished on the Third Circuit, it seems to me I cannot add to the eloquence of what has already been said by the judges of that court and I would simply urge this Committee to confirm him as a Justice. Thank you.

Chairman SPECTER. Thank you very much, Mr. Phillips.

[The prepared statement of Mr. Phillips appears as a submission for the record.]

Chairman SPECTER. Professor Goodwin Liu is an expert in constitutional law, civil rights, and the Supreme Court at the University of California, Boalt Hall. He is a graduate of Stanford with his bachelor's degree, and master's from Oxford and law degree from Yale Law School in 1998. He served as a law clerk for Supreme Court Justice Ruth Bader Ginsburg during the October 2000 term.

Thank you for coming in today, Professor Liu, and we look forward to your testimony.

**STATEMENT OF GOODWIN LIU, ASSISTANT PROFESSOR OF LAW, BOALT HALL SCHOOL OF LAW, UNIVERSITY OF CALIFORNIA, BERKELEY, BERKELEY, CALIFORNIA**

Mr. LIU. Thank you, Mr. Chairman. I am very honored to be here today.

I agree with all of my fellow panelists that Samuel Alito has a very talented legal mind. I have read over 50 of his opinions. They are very sharp, analytical, intellectually honest. But if intellect alone were enough, then these hearings would be unnecessary. We care about the judicial philosophy of the nominee, and so to pre-